

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LISA BENNETT,

Plaintiff,

VS.

JOHNSON & JOHNSON, et al.,

Defendants.

Case No. 4: 22 CV 1175 RWS

MEMORANDUM AND ORDER VACATING RULE 16 CONFERENCE

This matter is before me on the document entitled “Joint Proposed Scheduling Plan.” ECF 16. This document is not in compliance with the Order Setting Rule 16 Conference (ECF 13) because it is not a joint plan at all, nor does it include actual proposed deadlines for anything. Instead, it simply states that defendants want plaintiff to participate in a cost sharing arrangement set up by the MDL Court but that plaintiff opposes signing such agreement. Plaintiff does not submit a proposed alternative plan, and the “plan” submitted by defendants contains no actual dates. Apparently defendants expect the Court to fill in the dates based upon their suggested “170 dates after the Rule 16 conference,” etc., but that is the parties’ job, not the Court’s.

Given the lack of any actual proposed schedule to discuss, the Rule 16 conference cannot take place as scheduled. Therefore, the Court will vacate the


scheduling conference and it will be reset following the parties' submission of a joint proposed scheduling plan which meets the aforementioned requirements.

Plaintiff cannot be forced to sign a cost-sharing agreement from an MDL in which she never participated, so the parties shall submit proposed deadlines for conducting discovery in this case accordingly. If the parties disagree about a particular deadline, they shall set out the nature of the agreement and competing proposed deadlines for the Court's consideration instead.

Accordingly,

IT IS HEREBY ORDERED that the scheduling conference set for December 15, 2022 is vacated and will be reset following the submission of a joint proposed scheduling plan in compliance with this Order and the November 10, 2022 Order Setting Rule 16 Conference (ECF 13).

IT IS FURTHER ORDERED that the parties shall submit a joint proposed scheduling plan in compliance with this Order and the November 10, 2022 Order Setting Rule 16 Conference by not later than December 28, 2022.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of December, 2022.